

L. Kristopher Rath (5749)  
HUTCHINSON & STEFFEN, LLC  
Peccole Professional Park  
10080 West Alta Drive, Suite 200  
Las Vegas, Nevada 89145  
[krath@hutchlegal.com](mailto:krath@hutchlegal.com)  
(702) 385-2500  
(702) 385-2086 fax

Jonathan T. Suder  
Edward R. Nelson, III  
FRIEDMAN, SUDER & COOKE  
Tindall Square Warehouse No. 1  
604 East 4th Street, Suite 200  
Fort Worth, Texas 76102  
[nelson@fsclaw.com](mailto:nelson@fsclaw.com)  
(817) 334-0400  
(817) 334-0401 fax

Attorneys for Plaintiff  
1<sup>ST</sup> MEDIA LLC

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

1<sup>ST</sup> MEDIA LLC, )  
Plaintiff, ) Civil Action No. 2:07-cv-00056-LDG-GWF  
v. )  
NAPSTER, INC., REALNETWORKS, INC., )  
KSOLO, INC. and SLEP-TONE )  
ENTERTAINMENT CORPORATION d/b/a )  
SOUND CHOICE ACCOMPANIMENT )  
TRACKS, )  
Defendants. )

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Pursuant to Fed. R. Civ. P. 21 and 55(b), Plaintiff files this Motion to Sever and for Entry of Default Judgment against Defendant SLEP-TONE ENTERTAINMENT CORPORATION d/b/a SOUND CHOICE ACCOMPANIMENT TRACKS ("Sound Choice") and in support

thereof, Plaintiff shows and requests as follows:

1. On June 12, 2007, the Clerk of the Court entered default against Defendant Sound Choice. To expedite a final resolution, Plaintiff requests that its claims against Sound Choice be severed from those asserted against the remaining defendants so that such claims may be tried separately and a final default judgment can be entered. Plaintiff requests further that the Court set a hearing on damages against Sound Choice and ultimately enter final default judgment.

2. Sound Choice was properly served with process, granted numerous extensions of time to answer or otherwise response to Plaintiff's Complaint, but has elected not to defend against Plaintiff's charges of patent infringement and has failed to file any answer or other responsive pleading.

3. Plaintiff's Complaint alleges infringement of U.S. Patent No. 5,464,946. Specifically, Sound Choice has infringed, and continues to infringe, at least claim 16 of the '946 Patent. Sound Choice partners with Napster and RealNetworks, among others, to distribute Sound Choice audio and video content over the Internet. As a consequence of its partnerships (or similar business arrangements or ventures), Sound Choice is liable to Plaintiff as a contributory infringer and/or as an active inducer of infringement.

/ / /

For the foregoing reasons, Plaintiff requests that its claims against Defendant Sound Choice be severed from those asserted against the remaining Defendants and that upon or before such severance Plaintiff be allowed to present evidence on damages so that a final default judgment may be entered.

DATED: June 22<sup>nd</sup> 2007.

Respectfully Submitted,



L. Kristopher Rath (5749)  
HUTCHINSON & STEFFEN, L.L.C.  
Peccole Professional Park  
10080 West Alta Drive, Suite 200  
Las Vegas, Nevada 89145

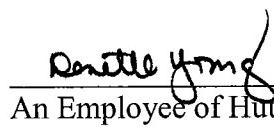
Jonathan T. Suder  
Edward R. Nelson, III  
FRIEDMAN, SUDER & COOKE  
Tindall Square Warehouse No. 1  
604 East 4th Street, Suite 200  
Fort Worth, Texas 76102

Attorneys for Plaintiff  
1<sup>ST</sup> MEDIA LLC

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 22, 2007, the foregoing **PLAINTIFF'S MOTION TO SEVER AND FOR ENTRY OF DEFAULT JUDGMENT AGAINST DEFENDANT SLEP-TONE ENTERTAINMENT CORPORATION d/b/a SOUND CHOICE ACCOMPANIMENT TRACKS** was filed electronically with the Clerk of the Court using the CM/ECF system and a copy was mailed to the following:

ENTERTAINMENT CORPORATION d/b/a  
SOUND CHOICE ACCOMPANIMENT TRACKS  
c/o Kurt J. Slep  
14100 South Lakes Drive  
Charlotte, North Carolina 28273

  
An Employee of Hutchison & Steffen, LLC